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STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
TO THE SUBCOMMITTEE ON POSITION CLASSIFICATION
OF THE HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE
ON H.R. 13008, A BILL TO IMPROVE POSITION CLASSIFICATION
SYSTEMS WITHIN THE EXECUTIVE BRANCH

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The American Federation of Government Employees, representing more than 560,000 Federal employees in exclusive recognition units throughout the Federal service, has today more than 320,000 dues-paying members who work in every kind of human endeavor and are compensated under every kind of Federal statutory and non-statutory pay system, excepting only the Postal Field Service.

These Federal employees for whom we speak include hundreds of thousands of individuals working in such statutory pay systems as the classified service, the foreign service and the Department of Medicine and Surgery of the Veterans' Administration. We are also the major representative of wage board employees. In addition, we speak for thousands working for the District of Columbia and for a large number of employees being paid from non-appropriated funds. Therefore, we represent hundreds of thousands of Federal employees confronted daily with the crucial issues of proper and equitable classification of the jobs and positions they hold.

At the very outset, I should like to express to all the members of this Subcommittee, both collectively and individually, our most sincere and

heartfelt appreciation for your unanimous sponsorship of H.R. 13008, a Bill to improve position classification systems within the Executive Branch of the Federal government.

Just as with all the things in life, we are aware that, generally speaking, no one single action can be necessarily the final and conclusive answer to any problem. We are nevertheless equally aware that certain actions do represent the first long step forward to solving a problem. In the same way, we might grant some credence to those who say that H.R. 13008 is not the final answer. But we will say to them that it is that first long step forward and, distinguished members of this Subcommittee, our organization is most pleased to be here today to congratulate you on this giant step.

And it is indeed a giant step. It is a step out of the antiquated past, out of a classification system that is dangerously out of date and certainly not in keeping with the times. The entire classification system needs a major and thorough overhauling. This is obvious, if for no other reason than that more than fifty per cent of the current jobs did not even exist at the end of World War II. Moreover, these occupations require the use of new methods, new technology, new occupational and professional judgments, and new methods of approach in the definition of classification standards. This is why your Bill is a giant step indeed.

THE LEGAL POSITION

From the legal standpoint, all Federal employees, numbering approximately three million individuals, are nominally working for a single employer. Legally, therefore, they are entitled from that employer to equal pay for equal work and they are supposedto receive equitable and fair treatment from that single employer in such matters as honest and accurate job descriptions, equal opportunity for appointment, for transfer, promotion and retirement. Legally, they and their representatives are supposed to be given free and full access to all matters affecting the classification of Federal jobs.

This is the law.

What are the facts?

The Factual Position

The facts are at variance with the law in too many agencies. As we know far too well, Federal employees are not given free and full access to the facts about their job and position classification. In fact, many thousands don't have current, up-to-date and accurate written job descriptions at all. As the incredibly large numbers of "downgrading", due to re-classification, also reveal, many other thousands of employees, as well as their immediate supervisors, have had to suffer the sad experience of arriving at their places of employment one morning to be told that, after years of one type of classification, it has now been decided that the facts of yesterday are not the facts of today. They have been told that the classification judgments of yesterday have been replaced by some new classifiers with different judgments of today. In the great majority of cases the result is downgrading and loss of pay to the employees involved. Often the downgrading takes place on the basis of obsolete job descriptions which do not even record actual current duties. In some cases, the employee should be promoted, in fact, to a higher level. Instead, he is demoted.

This kind of action, repeated in thousands of instances, has been destroying standards of consistency in job evaluation and the ranking of positions. It is unjust not only to the Federal employees directly involved but also to their line managers and supervisors. It is also unjust to the taxpayers, who must pay for the turmoil it causes.

As stated in the original Classification Act of 1923 and retained in the revised Classification Act of 1949, the Congress intended that the principle of equal pay for substantially equal work would be followed in all classification evaluations. The Congress also intended that the variations in the rates of basic pay paid to different employees would be proportional to substantial differences in the difficulty and in qualification requirements of the work performed.

Moreover, the Congress made it very clear that the individual positions would be grouped by classes and grades according to their duties, responsibilities and qualification requirements and that the various classes would be described in published standards which would be used in all phases of administration of Federal personnel.

These are good, honest and equitable guide-lines. Our organization accepts these mandates from Congress without reservation.

Our complaint is that they are not being carried out and the standards are not being kept current.

GUIDELINES ARE NOT FOLLOWED

It is now finally publicly admitted by even the top officials of the Executive Branch of the Federal government that these guide-lines, defined over forty-six years ago by Congress, are not being carried out.

Less than five weeks ago, in testifying before your Subcommittee on August 6, 1969, Roger W. Jones, the Assistant Director for the Bureau of the Budget admitted this fact. He said the following:

"The Bureau of the Budget believes that your subcommittee has performed a significant and noteworthy service by calling public attention to the irrational and inequitable situation which has developed from the gradual multiplication of Federal job evaluation and pay systems. With nearly half a hundred different Federal systems, there are far too many instances of unequal pay for equal work. There are inconsistencies not only in practices but in basic philosophy".

I believe that very great skill would be required to compose a more forthright and honest summation of the facts. Therefore, I wish here to record our fullest agreement with the statement of Mr. Jones as to the problem with which we are confronted.

The problem, stated simply, is that the law has not been consistently implemented. It has been ignored by many Departments, actually evaded by several agencies and, regrettably, it has not been enforced vigorously by the Civil Service Commission. On the contrary, we find that the Civil Service Commission makes every possible effort to support and justify the Agency, regardless of the Classification Standards and the facts involved.

From my personal experience in reviewing hundreds of these cases over many years, it is clear to me that many standards and many job descriptions are written in such vague and general terms that the agency could assign almost any of a wide range of grades, differing even up to four or five grades, to the position. Thus the classifications are meaningless and the position grade is determined by other considerations. Many so-called "new standards" are really the old standards "patched" and revised to suit the immediate budgetary or staffing problem with which the Agency has to deal.

Another major problem, perhaps the most serious problem, is that the classification standards are obsolete. Some have been written over twenty years ago. In a case that comes readily to mind, civilian helicopter pilot instructors

were being paid in 1968 on standards written in 1942 when no such helicopter planes of the type being used were in existence.

It is admitted by almost everyone that the Civil Service Commission has been most laggard in monitoring the up-dating of classification standards. Even when audits were made, the Civil Service Commission review of the standards and job descriptions have been often only superficial. Consequently, when a downgrading takes place, especially a downgrading after an audit, the Commission finds itself confronted with a problem implicating its own audit staff. Under these conditions it is almost impossible for the Commission to reverse the agency in an appeal by the employee.

At this point, I wish to emphasize that my criticisms are not directed at individuals in the Civil Service Commission. I know that these auditors and inspectors try to do the best job they can. They work hard. They try to be fair. The fact is that there are not enough inspectors and auditors and position classifiers. Consequently, their work is hurried, generally superficial, generally out of date.

MISUSE OF RECLASSIFICATIONS

Moreover, there are very troubling indicators that the classification mechanism is being manipulated by some installations even to introduce manifestly unfair labor practices and personal favortism. In some agencies and departments, the available facts raise questions as to whether classifications were not originally written primarily to recruit employees away from other, older departments. Subsequently, after the personnel rosters were filled, or even overfilled, "downgradings" were instituted. This certainly is a questionable, one might almost say, a cruel way to deal with men and women who have to earn a living, who leave places of employment in one agency for more pay in another, newer agency, and then a year or two later find they are being "downgraded", sometimes below the level of their previous grade with their former agency.

There are other disturbing phenomenon in the use, or rather the abuse of the classification mechanism. Positions are sometimes "downgraded" mainly as punitive actions, as reprisals against employees or against the labor organizations which represent them.

Let me be candid. I fear that often "re-classifications" which result in "downgradings" are only the official language for improper and sinister actions. It is my firm personal opinion, based on many cases I have reviewed exhaustively, that often the reclassification "downgradings" are reprisal actions for union activities of the employees or the result of personality clashes.

U.S. NAVAL ACADEMY

Currently, our organization is involved in an exchange of correspondence with the U.S. Department of the Navy in a case involving the U.S. Naval Academy at Annapolis, Maryland. Although the issue superficially appears to be a matter of "re-classification", a recitation of the facts and circumstances will show that other, very fundamental issues of employee and union rights are also involved.

I shall state the case briefly here.

Some time ago, twelve wage board employees were downgraded at the Naval Academy from the position of Joiner, WB-11, to Carpenter, WB-10. Of the twelve adversely affected, eleven were union members and, through the union, appealed to the Civil Service Commission Regional Office and subsequently to the Civil Service Commission's Board of Appeals.

The twelfth man downgraded in this action was a non-union employee. He elected not to appeal the action. He accepted the downgrading.

Up to this point, this is a typical situation - union employees appeal; non-union employees are inactive.

But beginning thereafter, a remarkable set of atypical facts and coincidences emerge. Suddenly, the non-union employee was restored, on May 18, 1969, to his original classification position, as a Joiner, WB-11, and the Personnel Action Form, placing him in the third step of WB-11 stated simply the following: "Incumbent's position regraded". The form was signed on May 29, 1969 by Frank P. Bruther, Industrial Relations Officer with jurisdiction over the Public Works Department, Maintenance Division, Carpenter Shop WC-10, of the U.S. Naval Academy.

Another fascinating circumstance in this case came to light. The non-union employee's wife works as a position classification analyst in the Personnel Office at the same Naval Academy.

Other factors in this case are equally interesting. For example, the non-union employee proclaimed publicly that it did not pay to belong to the union. Moreover, the non-union employee, promoted back to Joiner, WB-11, was junior to several of the other eleven Joiner, WB-11 employees who were reduced in grade and who, to this very day, have not been restored to their former position.

I have withheld the name of the non-union employee from my public testimony. I shall be pleased to provide it to you for your Executive records, if you wish it. Moreover, I wish to report that our organization has requested that an investigation into this entire matter be initiated by the Department of the Navy and that it assign as its investigator an individual not identified with the Naval Academy. We have also requested that a copy of any investigation report of this intolerable situation be made available to us.

The case I have just cited concerns Wage Board or blue collar employees. It is only one such case I could mention. Our files are filled with case upon case of improper classification of blue collar positions. Not all of these incorrect classifications have arisen, of course, from such outrageous causes as the one at the U.S. Naval Academy. However, wage board cases are far too many today. We need urgent remedies providing both a system of adequate classification inspections and the machinery for speedy classification appeals.

COOLIDGE AUXILIARY AIR FIELD
Williams Air Force Base, Arizona

We could cite many hundreds of cases also from the classified service, involving the so-called white collar employees.

Let me cite just one. It involves the plight of the firefighters at the Coolidge Auxiliary Air Field, some fifty miles from Williams Air Force Base, Arizona.

A subsidiary or training base, the Coolidge Auxiliary Airport handles so-called "touch and go" type of landings.

The firefighters at the air field are assigned grades of GS-4 and GS-5 based on routine and therefore incomplete job descriptions. The actual duties which they perform and the conditions under which they work expose them in fact to extraordinary hazards to health and safety. Yet, none of these duties have been incorporated in their position descriptions and they do not receive hazardous duty pay.

Because of the nature of the airport, the Fire Department equipment stands day and night out in the open weather, with no shelter at all. In summer the temperature is 110 degrees -- in winter it is often below freezing And the men who operate the equipment are themselves also exposed to this weather, without proper protection or shelter from the elements.

Every time the wind changes, the equipment must be moved from one end of the field to the other in order to afford the maximum fire protection to the landing and departing planes. Each time this equipment is moved, the firemen must plug and unplug high-voltage wires of 220 volts while standing over an iron grate at ground level without the protection of even a wooden platform. When it rains, the men must make these conversions at the constant risk of immediate electrocution because of the wet connectors.

The pilots landing and taking off at this field are <u>student pilots</u>. There are between 300 and 500 touch-downs and take-offs of aircraft every day.

Flares fly constantly to warn them that their projected landings are faulty. Tension and disaster stalk the field.

The average firefighter's work week is 60 hours, for which he draws a 10 perccent differential but has to work all holidays. Normally, of course, the 60 hours are composed of 8 hours on duty and 4 hours on standby duty per 12-hour day. But the firefighters at Coolidge Auxiliary Airport in fact are on "Runway Watch" the full twelve hours of each twelve hour day.

They are also exposed to unusual hazards. Yet they do not receive hazardous duty pay. In fact, for these twenty hours of overtime each week they draw a total compensation, at the GS-4, Step 1 level of $522.20 per year or at the GS-4, Step 4 level of $607.40 per year. This averages out to approximately fifty or sixty cents per hour as their compensation.

Is this equal pay for equal work? Is this proper classification? And what of the hazards involved? Is this the meaning of the laws which Congress enacted in 1923 and 1949? I certainly do not think so. Yet the case has been brought to the attention of the Civil Service Commission, unfortunately without remedy to date or even the assurance of eventual remedy.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Let us turn to the Agency for International Development and to its practices. In that agency, a variety of classification systems are employed because its employees include large numbers of classified service and foreign service personnel as well as military advisers and other employees on loan from other agencies.

The Agency for International Development, like the Department of State and the United States Information Agency, resorts to practices of classifying many positions as "dual service". This means that certain positions can be filled either by Civil Service personnel or by Foreign Service personnel. The latter term, "foreign service personnel" also includes personnel some of whom have career, some career conditional and still other only transitory status.

However, if one wants to be honest, the term which should be applied more appropriately to A.I.D. classification and staffing positions is "triple service" because uniformed military personnel are also regularly and normally employed to fill certain positions which should be filled only by civilians.

The civilian-military interchanges and the "dual service" classification practices of the Agency for International Development have been a matter of the most acute concern to its employees ever since the Agency was created. General Schedule employees have one set of classifications and appeal rights; foreign service personnel, depending on their status, have nominally at least two sets of classification standards and appeal rights; and military personnel have classification standards which elude most attempts at analysis..

With such serious classification problems confronting this Agency, its employees might have expected that management would address itself to adhering as closely as possible to the will of the Congress. One would expect clear job descriptions, a central group of qualified, experienced and competent classification analysts, and published classification standards. Does one find these things at A.I.D.?

What one finds in the classification offices at A.I.D. is appalling. After months of inquiry and after every kind of effort to ascertain how the Civil Service classification standards are developed and applied, our union at A.I.D., AFGE Local 1534, urgently requested a meeting on this matter following the publication of a report that five "classification" experts at the Agency had resigned. Another item raised by our union was the failure of the Agency to define and implement Foreign Service Classification standards.

When pressed on the matter as to the seriousness of the loss of five classification experts at this time, the top personnel officers at A.I.D. confessed that in their opinion the loss was not really as serious as it appeared because, all along, these five classification experts had been young college graduates who had only been "trainees".

Five "trainees", with almost no experience at all in any one of the major classification systems of the Federal government, had been rendering classification decisions for months in the Agency for International Development, which by its nature has one of the most complex situations involving personnel classification in the entire Federal Service!

These five "trainees" took decisions on "mass downgrading" affecting the livelihood and the careers of hundreds of Federal employees. Yet, the Civil Service Commission's inspectors and its Board of Appeals were not even aware during all this time that the original classification and downgrading decisions were made by untrained personnel. Nor was our union able to ascertain the most elemental facts or to challenge the judgments made by the "trainees".

I submit to you that this is irresponsible and that the Agency for International Development is in urgent need of a major classification study and reform. Certainly, A.I.D. should discontinue to classify by organization titles without regard to actual duties performed.

Up to now I have cited only one situation each in the wage board system, the classified service system and the foreign service system. I could spend the entire day giving example upon example in each system. But I should like now to turn to the Department of Medicine and Surgery in the Veterans' Administration and, as with the others, to take only one example of confusion in classification standards. In this case, I shall draw my example not from the obvious professional categories, such as doctors, dentists and nurses but from the area of "licensed practical nurses".

DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

Within the Department of Medicine and Surgery a major impasse has developed on the proper classification of Licensed Practical Nurses, who have been licensed on the basis of practice and experience by a State licensing agency or have graduated from an approved Licensed Practical Nursing School and obtained licensing from State agencies on that basis.

The Department of Medicine and Surgery and the Civil Service Commission have been lax and tardy in adopting a modern approach to the rapidly growing field of modern nursing, including all phases of modern patient care. The expansion of medicine and surgery, the specialization within hospital occupations, the major innovations in technology and personnel supervision especially in preventive medicine and in rehabilitation techniques have been largely ignored by the classification experts in the Department of Medicine and Surgery and in the Civil Service Commission. Consequently, the classification series still accommodate only the fully licensed professional nurses and nurses assistants. They still have not taken into account the new occupation of schooled and skilled Licensed Practical Nurse. We have repeatedly requested that Licensed Practical Nurses positions be defined in a new series and grouped according to the General Schedule Nursing Standards employed for example, by the Department of the Army and Public Health Service. In any case, a full occupational study should be conducted because these Licensed Practicing Nurses often have duties as responsible as those of registered professional nurses. Yet the vast majority are classified as GS-3, though many are GS-2 or GS-4 and a very few are GS-6.

The lag in the development of new classification standards for Licensed Practical Nurses has imposed a serious economic and professional burden on the Veterans' Administration. Instead of establishing a separate occupational identification or a separate grade structure for them, the Commission has sought to insert these licensed practical nurses into categories which were originally

designed only to cover nurse assistants. Consequently, depending on the geographic region of their employment, depending on the conditions of the labor market, depending on supervisory attitudes, Licensed Practical Nurses doing the same work are classified between GS-2 and GS-6. This violates the Congressional mandate of equal pay for equal work.

What is the result? The patients receive less professional care, professional nurses are utilized for duties which practical nurses could carry out, and the licensed practical nurses feel that their own talents and aptitudes are not properly rewarded. Costs have mounted and the taxpayer's money for patient care is being wasted because of out-dated classification standards.

The four examples I have chosen cover three of the major statutory pay systems (classified service, foreign service, and Department of Medicine and Surgery) and the large non-statutory pay system of the wage board employees.

These examples show that the classification practices of all the major employee systems are defective in a wide variety of ways. They also reveal that the Civil Service Commission, which is aware of these conditions, has failed to bring about reforms. The Commission's inertia, both in the development of standards and in their enforcement, is patent.

THE APPEALS SYSTEM

Equally defective and inadequate are the classification appeals procedures both within the Departments and Agencies and within the Civil Service Commission. Moreover, as now practiced, a successful appeal is applied usually only to the specific case or cases actually appealed. The appeals mechanism has not been used by the Civil Service Commission as a precedent-making mechanism, bringing about a reform of classification failures or errors in other installations or other agencies. Thus the appeals procedures in the classification area do not now contribute to universalizing classification decisions. They correct only individual cases, individual abuses.

Very serious consideration should be given therefore to establishing some Federal mechanism, perhaps as a part of a wider classification inspection system, which would apply the results of appeals of classification decisions throughout the Federal service. A classification appeal in the case of a General Schedule employee might contain elements with direct bearing on the foreign service and the wage board employees. Alternatively, a wage board case may have elements of importance in classification definitions of the work of employees of non-appropriated funds.

Most importantly, it is quite clear that the Civil Service Commission, left to its own experts and its own undermanned staffs, is unlikely and perhaps cannot be expected to develop the kinds of initiatives and procedures that will lead to rapid modernization of the present appeals system. It is apparent that the Commission has needed, and will continue to need, outside groups to act as a conscience or an advocate or even as a "gadfly" in the direction of classification reform. In any case, it might be unfair for us to expect the understaffed Civil Service Commission to be able to deal with this major problem without some outside help and advice.

I wish to be fair to the Civil Service Commission and therefore I want again to emphasize the matter of the under staffing of position classifiers. I know for a fact that under present staffing patterns, it has required up to two years to carry out a normal re-classification. I have vividly in mind our own most recent experience with revising the standards for Customs Inspectors. The management classification survey by the Customs Service alone took more than a year to complete.

What happens then, when the Commission and the Agency finally grant the appeal? We find that the reclassification decision has no retroactive force. Employees have been working at less pay than due to them through a management error. It is now admitted by the reclassification of their jobs. Yet they cannot receive the back pay due.

I most sincerely ask your Subcommittee to consider the possibility of amending the present laws so that, in the case of a reclassification resulting from an employee appeal, the new pay rate be made retroactive at least to the date of the filing of the appeal. Simple justice and equity suggest that at least this be done.

SUGGESTED AMENDMENT TO H.R. 13008

As I stated at the outset, our organization endorses fully the purposes, goals and intentions of H.R. 13008. This Subcommittee has indeed won the gratitude of Federal employees and of the American taxpayers for its pioneering role in re-opening the entire question of classification of Federal positions.

However, in order to assure that this legislation be better carried out, I should like to propose one minor modification in Title III, Section 301. The present section 301 might be renumbered 301 a and, if your Subcommittee is favorably disposed to my suggestion, our proposed amendment might begin as 301 b, immediately following line 7 of page 5 of the present print of the Bill H.R. 13008.

The primary purpose of my proposal is to provide to the Civil Service Commission, and through the Commission to the President and to the Congress, the professional advice and the professional perspectives of Federal employee groups as well as that of recognized classification experts who are principal classification advisors to Department or Agency heads.

I believe that a very good general model of the kind of advisory committee I have in mind could be found in another very fine Bill, H.R. 8764, designed to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees. Using that Bill, introduced by Congressman Thaddeus Dulski, the Chairman of the House Post Office and Civil Service Committee, as a general model, I should like to submit, for illustrative purposes only, the text of an amendment establishing a Position Classification Policy Advisory Committee composed of experts outside the Civil Service Commission who could work with the staff of the Commission to prepare its report on the reform of the Federal classification systems.

SUGGESTED TEXT OF AMENDMENT TO H.R. 13008

The text of the amendment, which we are submitting only for illustrative purposes, is the following:

"301 b. The organizational unit established under Section 301 a. shall meet not less often than once every two months with a Position Classification Policy Advisory Committee, composed of representatives of Federal employee unions and of an equal number of Federal employer representatives. The Chairman of the Civil Service Commission shall act as the Chairman of this Advisory Committee.

301 c. The separate views of any member of the Position Classification Policy Advisory Committee shall be incorporated verbatim in the interim and the comprehensive reports required by Section 304 of the Act."

SUMMARY AND CONCLUSION

In summary, our organization endorses fully H.R. 13008 and wishes to express its appreciation to Congressman Hanley and to the other members of this Subcommittee on Position Classification for jointly sponsoring this Bill.

Our testimony has revealed that serious position classification problems exist in the classified service, the foreign service, and in the Department of Medicine and Surgery of the Veterans' Administration. Equally serious problems affect the lives of the 600,000 employees who work under the Wage Board system and approximately 60,000 additional employees who are paid from non-appropriated funds.

The few examples I have furnished represent only a minute number of those I could have cited. In fact, our organization deals with as many as these almost every day.

A thorough study and reform of the present antiquated classification systems in the Federal service is in fact overdue. An end must be put also to the abuse of the classification mechanism, whether this is for budgetary reasons, agency program goals, reprisals against employees for union activities, personality clashes, or any other extraneous reason.

We endorse this Bill, H.R. 13008 fully and, with a view to further assuring its proper implementation, we have proposed one minor amendment. This would create a Position Classification Policy Advisory Committee composed of representatives of Federal employee unions and of Federal managers which would meet regularly with the position classification unit in the Civil Service Commission preparing its report on the reform of the classification systems in the Federal service.

In conclusion, I wish once again to express to you, Mr. Chairman, and to the other Subcommittee members, our most sincere appreciation for the giant stride which you have made toward bringing classification standards out of the antiquated past into the present day. I assure you, we will keep in step with you toward this goal.